

DAVID COOPER
PLAINTIFF,
V.

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CASE NO. 2:06-CV-418-MAT

DR. NICHOLS, et al,
DEFENDANTS

W. P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MOTION FOR AN INDEPENDANT REVIEW BY THE
UNITED STATES DISTRICT JUDGE

comes now, the plaintiff, pro se, in the above style manner, pursuant to F.R. Civ. P. 56. motion for an independant review by the united states District Judge. The plaintiff, and for good cause, seek an independent review base on the following grounds.

- 1) The plaintiff, on 9-19-06, file a motion for jury trial, pursuant to rule 38, F.R. Civ. P. before the honorable magistrate judge Delores R. Boyd, who denied this motion, which was filed after the commencement of this action Rule 38 (B)(1).
- 2) Plaintiff, further states he was within his legal right to file a motion for jury trial see Rule 38, (A). Plaintiff, further states judge Boyd, also violated his Seventh (7) amendment right, also Rule 38 (B)(1).
- 3) plaintiff, on 9-19-06, also filed a motion for status review, which was granted and enter the records of this court on Sept 27, 06, including his relief soughted paragraph two (2) plaintiff requested an immediate jury trial, as to which the magistrate judge construed as a demand for jury trial pursuant to F.R. Civ. P. 38 (B)(2) which also was denied. Plaintiff, further states Rule 39(a) judge Boyd, also refuse to docket as a jury action. Plaintiff, seeks a review of all these documents.

plaintiff further states the he intent to go to the Supreme Court regarding his status review which was granted on Sept 27, 06, as to which it is going on 90 days without a determination has not been made from the magistrate judge who is also in violating of plaintiff, eighth amendment allow plaintiff to suffer and who knows plaintiff, condition base on plaintiff opposition and all exhibits filed in this Court including a violating of the 5, fifth shall not be deprive of my life, 14 amendment as well. The magistrate judge is no different than the defendants who are trying to let plaintiff die, because after the filing of this action they have still not try to let plaintiff have his surgery need but continuously abuse plaintiff medical need and his rights up until this day, if plaintiff live he will file a new action against these defendants. Plaintiff pursuant to Chapter 131 Rules of Courts Section 2042 (D)(B) intent to seek aid regarding the deliberate delay in process in respond to true justice in behavior of plaintiff life.


Done this 17th day of 2006.

Daniel Cooper 7743
 Plaintiff, Pro se.
 M.C.D.F.
 P.O. Box 4599
 Montg, AL, 36195

CERTIFICATE OF SERVICE

I the plaintiff, has forward a copy each of motion for to file, motion for on independent review by the united states District Judge, and certificate of service, a copy each to the clerk of the District Court, and a copy each to the defendants defense attorney.

Done this 17th day of 2006.

 Coups 7743
Plaintiff, Pro se
M.C.D.F.
P.O. Box 4599
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